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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR02-221-JCC
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 ERICA DENISE HARDY,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on September 9, 2008. The United States was represented by AUSA Karyn Johnson and the
16 defendant by Allen Bentley. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about April 23, 2003, by the Honorable John C.
18 Coughenour on a charge of Bank Fraud, and sentenced to 15 months custody, 5 years supervised
19 release. (Dkt. 32.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant participate in a drug treatment program, be prohibited from consuming alcohol,
22 submit to search, pay restitution in the amount of \$67,536.77, provide access to financial

01 information, maintain a single checking account for all financial transactions, disclose all assets and
02 liabilities, be prohibited from obtaining new credit obligations without permission, and not possess
03 any identification documents in any but her true name.

04 On December 15, 2003, the conditions of supervision were modified to extend her term
05 in a halfway house, pending development of an appropriate release plan. (Dkt. 35.)

06 On June 21, 2004, defendant's probation officer reported that defendant had violated the
07 conditions of release by using cocaine. Defendant was reprimanded and placed in a structured
08 testing program. No further action was taken at the time. (Dkt. 38.)

09 On January 6, 2005, defendant admitted violating the conditions of release by using
10 cocaine, marijuana, and alcohol, by failing to make restitution payments, by failing to participate
11 in substance abuse testing, by failing to report to her probation officer, by failing to follow the
12 instructions of her probation officer, and by failing to report for urinalysis testing. (Dkt. 45.) The
13 conditions of release were modified on January 21, 2005 to require residence in a halfway house
14 for up to 120 days. (Dkt. 48.) Additional allegations of violation of supervised release were filed
15 on February 2, 2005, alleging use of cocaine and marijuana, and failure to reside in and
16 satisfactorily participate in the halfway house placement. (Dkt. 50.) On April 22, 2005, defendant
17 was sentenced to four months imprisonment, 48 months supervised release. (Dkt. 58.)

18 Defendant's probation officer filed a report on September 29, 2006, alleging that defendant
19 had violated the conditions of supervised release by using marijuana. Defendant was reprimanded,
20 place in a structured and more frequent testing program and referred for intensive outpatient
21 treatment. No further action was taken at the time. (Dkt. 59.) On November 17, 2006, defendant
22 was ordered to satisfactorily participate in a halfway house placement for up to 120 days. (Dkt.

01 60.)

02 In an application dated August 7, 2008 (Dkt. 62), U.S. Probation Officer Michael M.
03 Markham alleged the following violations of the conditions of supervised release:

04 1. Using marijuana on or before February 15, 2008, and July 21, 2008, in violation
05 of standard condition #7.

06 2. Failing to submit supervision report forms for the months of May, June and July
07 2008, in violation of standard condition #2.

08 3. Failing to make a monthly restitution payment for the months of April, May and
09 June 2008, in violation of a general condition of supervised release.

10 Defendant was advised in full as to those charges and as to her constitutional rights.

11 Defendant admitted alleged violation number 1 and waived any evidentiary hearing as to
12 whether it occurred. (Dkt.64.) The government moved to dismiss alleged violations 2 and 3.

13 I therefore recommend the Court find defendant violated her supervised release as alleged
14 in violation 1, that the Court dismiss violations 2 and 3, and conduct a hearing limited to the issue
15 of disposition. The next hearing will be set before Judge Coughenour

16 Pending a final determination by the Court, defendant has been released on the conditions
17 of supervision.

18 DATED this 9th day of September, 2008.

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21 Mary Alice Theiler
22 United States Magistrate Judge

01 cc: District Judge: Honorable John C. Coughenour
AUSA: Karyn Johnson
02 Defendant's attorney: Allen Bentley
Probation officer: Michael M. Markham
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